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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,179	12/18/2001	Paul Moroney	018926-003800US	7535
20350	7590	04/03/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			POLTORAK, PIOTR	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/890,179	MORONEY, PAUL
Examiner	Art Unit	
Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. The Amendment, and remarks therein, received on 10/07/2005 have been entered and carefully considered.

Response to Amendment

2. As per claim 1, 15 and 22 applicant suggests that Carswell and Atkinson do not teach, show or suggest the present invention, either individually or as combined the limitation “if the message is not authentic, not transferring the decrypted message to the host processor”.
3. The examiner carefully considered applicant’s arguments and points out that the three main areas of security in computing are: confidentiality, integrity and availability (e.g. Pfleeger, “Security Goals”, pg. 4-5). Carswell aims to address the confidentiality while encrypting communicated messages. Carswell’s invention utilizes a secure processor that decrypts and sends data to a host processor. Atkinsons extends confidentiality with integrity and availability. In Atkinsons’ invention encryption is used to authenticate authenticity and integrity of received messages. Atkinsons’ invention is an ideal complement to Carswell’s invention that provides separate processors, one of them offering decryption capabilities. Thus, combination of Carswell and Atkinsons would have been obvious to one of ordinary skill in the art at the time of applicant’s invention given the benefit of providing authenticity and integrity of the received messages.

4. Although Atkinsons does not explicitly disclose permitting transfer of the decrypted message to the host processor if the message is authentic, and to not permit transfer of the decrypted message if the message is not authentic. However, such an implementation would also be obvious to one of ordinary skill in the art; as discussed above, the integrity and availability are two main goals of security in computing. Atkinsons application detects malicious messages (e.g. viruses, col. 2 lines 50-52) that not only jeopardize integrity of a system but also can easily escalate to lost availability. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to stop any suspicious message given the benefit of the preventive security.

5. Claims 1-22 have been examined.
6. Objections to drawings and the specification (*the Abstract*) as well as 35 USC § 112 claim rejections have been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-5, 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Carswell et al.* (U.S. Patent No. 5365591) in view of *Touboul* (U.S. Patent No. 5978579).
8. As per claims 1-2, 5, 9-11, 15-19 and 22 *Carswell et al.* teach a method and apparatus for performing authentication of messages in a dual processor device comprising receiving an encrypted message at the dual processor device (col. 2 lines 39-41 and lines 53-56) using a secure processor (crypto processor) of the dual processor device to decrypt the message (col. 1 lines 52-55), receiving the encrypted message at a cable telephony adapter (modem, Fig. 1 and col. 2 lines 46-54), coupling cable telephony adapters (that includes the cable telephony adapter) with a telephony network (Fig. 1), coupling the cable telephony adapters with user computers (Fig. 1 and col. 2 lines 46-48 and 56-58), establishing a communication between the user computer and the second user computer via the telephony adapter and the second cable telephony adapter (Fig. 1 and col. 2 lines 46-58), transmitting and receiving clear text to the user computer (col. 2 lines 46-58).
9. *Carswell et al.* do not teach authenticating of the message via an authentication calculation that utilizes an authentication certificate, so as to determine whether the message is authentic is said message is authentic, transferring the decrypted message to the host processor for use by the host processor, and if the message is not authentic, not transferring the decrypted message to the host processor,

10. Touboul discloses teach authenticating a message via an authentication calculation using an authentication certificate, so as to determine whether the message is authentic and transfer the message only if it is authentic (col. 6 lines 49-58).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to extend the encryption capability of a secure processor that sends the decrypted message to the host processor as taught by Carswell et al. by authenticating the message via an authentication calculation that utilizes an authentication certificate so as to determine whether the message is authentic and allow transfer only the authentic messages as taught by Touboul. One of ordinary skill in the art would have been motivated to perform such a modification in order to protect the system from suspicious messages (Touboul, col. 1 lines 60-61).

11. Atkinsons does not explicitly disclose permitting transfer of the decrypted message to the host processor if the message is authentic, and to not permit transfer of the decrypted message if the message is not authentic, such an implementation would also be obvious to one of ordinary skill in the art.

12. However, the integrity and availability are two main goals of security in computing. Atkinsons application detects malicious messages (e.g. viruses, col. 2 lines 50-52) that not only jeopardize integrity of a system but also can easily escalate to lost availability. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to stop any suspicious message given the benefit of the preventive security.

13. As per claims 12-14 in authentication of certificates (including the disclosed by art of record the Verisign certificates) a certified public key is utilized to verify a signature.

14. As per claims 3-4 and 20 Carswell et al. and Touboul do not explicitly teach coupling cable telephony adapters with gateway controllers.

Official Notice is taken that coupling using gateway controllers (switches) to service devices in order to service requests from customers of telephony systems is old and well-established in the art (e.g. Miller et al., Fig. 1, Stallings, pg. 231-237). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to couple (incorporate) gateway controllers with (to service) the cable telephony adapters. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide digital path between the devices of customers utilizing cable telephony adapters and other remote entities.

15. Claims 1-5, 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Carswell et al.* (U.S. Patent No. 5365591) in view of *Atkinson et al.* (U.S. Patent No. 5892904).

16. As per claims 1-2, 5, 9-11, 15-19 and 22 Carswell et al. teach a method and apparatus for performing authentication of messages in a dual processor device comprising receiving an encrypted message at the dual processor device (col. 2 lines 39-41 and lines 53-56) using a secure processor (crypto processor) of the dual processor device to decrypt the message (col. 1 lines 52-55), receiving the encrypted message at a cable telephony adapter (modem, Fig. 1 and col. 2 lines 46-54), coupling cable telephony adapters (that includes the cable telephony adapter)

with a telephony network (Fig. 1), coupling the cable telephony adapters with user computers (Fig. 1 and col. 2 lines 46-48 and 56-58), establishing a communication between the user computer and the second user computer via the telephony adapter and the second cable telephony adapter (Fig. 1 and col. 2 lines 46-58), transmitting and receiving clear text to the user computer (col. 2 lines 46-58).

17. Carswell et al. do not teach authenticating of the message via an authentication calculation that utilizes an authentication certificate, so as to determine whether the message is authentic is said message is authentic, transferring the decrypted message to the host processor for use by the host processor, and if the message is not authentic, not transferring the decrypted message to the host processor,

18. Atkinson et al. teach authenticating a message via an authentication calculation utilizing an authentication certificate so as to determine whether the message is authentic (authentication certificate, Atkinson et al., col. 2 line 61- col. 3 line 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to expend the encryption capability of a secure processor that sends decrypted message to the host processor as taught by Carswell et al. by authenticating the message via an authentication calculation utilizing an authentication certificate so as to determine whether the message is authentic as taught by Atkinson et al. One of ordinary skill in the art would have been motivated to perform such a modification in order to ensure the authenticity and integrity of the message (Atkinson et al., Abstract).

19. Atkinsons does not explicitly disclose permitting transfer of the decrypted message to the host processor if the message is authentic, and to not permit transfer of the decrypted message if the message is not authentic, such an implementation would also be obvious to one of ordinary skill in the art.

20. However, the integrity and availability are two main goals of security in computing. Atkinsons application detects malicious messages (e.g. viruses, col. 2 lines 50-52) that not only jeopardize integrity of a system but also can easily escalate to lost availability. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to stop any suspicious message given the benefit of the preventive security.

21. As per claims 12-14 in authentication of certificates (including the disclosed by art of record the Verisign certificates) a certified public key is utilized to verify a signature.

22. As per claims 3-4 and 20 Carswell et al. and Atkinson do not explicitly teach coupling cable telephony adapters with gateway controllers.

23. Official Notice is taken that coupling using gateway controllers (switches) to service devices in order to service requests from customers of telephony systems is old and well-established in the art (e.g. Miller et al., Fig. 1, Stallings, pg. 231-237). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to couple (incorporate) gateway controllers with (to service) the cable telephony adapters. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide digital path between the devices of customers utilizing cable telephony adapters and other remote entities.

24. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carswell et al. (U.S. Patent No. 5365591) in view of Touboul (U.S. Patent No. 5978579) and further in view of Miller et al. (U.S. Patent No. 5402474).
25. The teaching of Carswell et al. in view of Touboul was discussed supra.
26. Carswell et al. and Touboul do not teach coupling a provisioning server, a billing host and a customer service representative center with the cable telephony network.
27. Miller et al. discloses a customer service representative center (Miller et al., Fig. 1) coupled with a cable telephony network. The customer service representative center includes a billing host and a provisioning server (archive server). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the customer service representative center including a billing host and a provisioning server as taught by Miller et al. into Carswell et al. in view of Touboul invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide competitive advantage (Miller et al., col. 1 lines 26-30 and col. 3 lines 35-37), gather billing, auditing and system management information (Miller et al., col. 5 lines 3-9).
28. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carswell et al. (U.S. Patent No. 5365591) in view of Atkinson et al. (U.S. Patent No. 5892904) and further in view of Miller et al. (U.S. Patent No. 5402474).
29. The teaching of Carswell et al. in view of Atkinson et al. was discussed supra.
30. Carswell et al. and Atkinson do not teach coupling a provisioning server, a billing host and a customer service representative center with the cable telephony network.

31. Miller et al. discloses a customer service representative center (Miller et al., Fig. 1) coupled with a cable telephony network. The customer service representative center includes a billing host and a provisioning server (archive server). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the customer service representative center including a billing host and a provisioning server as taught by Miller et al. into Carswell et al. in view of Atkinson et al. invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide competitive advantage (Miller et al., col. 1 lines 26-30 and col. 3 lines 35-37), gather billing, auditing and system management information (Miller et al., col. 5 lines 3-9).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Webopedia, "Digital certificate". Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/22/06



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